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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,800	03/31/2004	Kathleen Tyson-Quah	32052-9195.US04	4936
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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3696	
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			07/07/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,800

Applicant(s)

TYSON-QUAH, KATHLEEN

Examiner

Frantzy Poinvil

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57, 58 and 60-89 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 57, 58 and 60-89 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/6/2009 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 57-58 and 60-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrithers et al. (US Patent No. 5,956,695) in view of Ahles et al (US Patent No. 7,346,575).

As per claims 57, 79, 83 and 87, Carrithers et al are directed to a filter processor and method for implementing an incentive program. In so doing, Carrithers et al disclose a user or customer making a purchase from a vendor comprising the steps of:

(a) receiving at least one user-supplied risk parameter associated with a counterparty (this is similar to the function of receiving the merchant account number and/or purchased amount or to be paid to the merchant with an account status);

As per the limitation of "(b) receiving a first instruction authorizing the payment-based transaction from an account holder to the counterparty;

(c) storing the first instruction in a payment queue that is maintained in a memory device of a payment bank system operated by a payment bank; and

(d) determining the processing of the payment-based transaction by executing a risk filter routine, including;

determining an available balance associated with the counterparty based upon the at least one user-supplied risk parameter, other payment-based transactions initiated by the account holder, and payments received by the account holder;

reading the first instruction from the payment queue, determining whether to selectively reject the payment-based transaction based upon whether an amount of the payment-based transaction exceeds the available balance and the at least one user-supplied risk parameter;

Applicant is directed to column 2, lines 15-67 of Carrithers et al.

The only difference between Carrithers et al and the claimed invention is that Carrithers et al do not explicitly teach:

Automatically returning the first instruction to the payment queue for later-revaluation based upon payments received by the account holder from the counterparty subsequent to the determining whether to selectively reject the payment-based transaction if the amount of the payment-based transaction exceed the available balance".

As per this feature, the Examiner asserts that if an amount on the customer's debit or credit account is insufficient to cover a particular transaction, the customer may add additional

funds to his/her debit card or request an additional credit limit in his/her credit card thus providing funds to cover the particular transaction. Furthermore, the status of the account holder may change from a negative status to an outstanding status because of timely payment. As such, performing an automatic re-evaluating step would have been obvious to one of ordinary skill in the art to do in the system and method of Carrithers et al in order to assure that sufficient funds are available to cover the particular transaction or the customer is the owner of the credit or debit card involved in the particular transaction.

Furthermore, Ahles et al disclose a system and method for selectively delaying financial transactions. Ahles et al disclose a check acceptance system, method and computer program product involving a check acceptance service 110 for providing provisional authorization in marginal risk assessment situations. A further re-evaluation is made prior to an approval or decline when the customer submits additional funds in their account. See column 8, lines 3-19 of Ahles.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ahles et al into Carrithers et al in order to provide sufficient time to allow a transaction to take place.

As per claim 58, Carrithers et al disclose generating the at least one user-supplied risk parameter (such as the merchant identifier or the transaction amount) on a user system and communicating the at least one user-supplied risk parameter to the risk filter routine.

As per claims 60-66, a user's available is usually calculated in a billing period or daily or after each transaction that has been performed in which funds are deducted, charged or added therein. After each of these calculations or changes, the account would be updated.

As per claim 67, see column 5, lines 30-67 of Carrithers et al..

As per claims 68-75, the system of Carrithers et al comprises a payment bank system, customers' modules, risk routine filters, at least one user-supplied risk parameter to the module integrated into the payment bank system that executes the risk filter routine. The payment bank also performs functions of rejecting payment authorized by instructions from the customer. Applicant is directed to columns 8-9 of Carrithers et al.

As per claims 76-77, 80-81, 84-85 and 88, Ahles et al teach the re-evaluation is done without request from the counterparty. See column 8 of Ahles et al.

As per claims 78, 82, 86 and 89, in the combination of Carrithers et al and Ahles et al the payment-based transaction is not explicitly stated to be a foreign currency exchange transaction. Providing a foreign currency exchange transaction in the combination of Carrithers et al and Ahles et al would have been obvious to one of ordinary skill in the art at the time the invention was made in order to provide a versatile system attracting a plurality types of entities.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/
Primary Examiner
Art Unit 3696**

FP
July 2, 2009